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REMARKS

The Office Action dated August 17, 2005 has been read and carefully considered and the present amendment submitted to better explain the present invention over the newly cited references.

In that Office Action, the drawings were initially objected to on the basis that Figure 1 did not appear to show the procedure light recessed. It is submitted that the Figure 1 depiction does show the lens holder 58, slightly exaggerated, and the lens holder 58, as well as the control handle 40, is located external so as to be grasped and manipulated by the user.

Claims 13 and 5 was rejected based upon 35 U.S.C. 112, second paragraph, as being indefinite and the Examiner has provided and Applicant has adopted revised language to that claim to overcome that objection.

Claims 1, 8 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly *et al*, U.S. Patent 5,453,077 in view of Pickering, U.S. Patent 4,161,172. Claims 4 and 17-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly/Pickering and further in view of Chang, U.S. Patent 4,101,957. Claims 2-3 and 5-6 were rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly/Pickering/Chang as applied to claims 1 and 4 and further in view of Mendleski, U.S. Patent 4,646,214.

Initially, it is noted that the new principal reference, that of Donnelly *et al*, as indicated by the Examiner, does not have any procedure light at all. The Donnelly *et al* disclosure is simply that of an infant warming apparatus with an overhead canopy can be moved between an upper position and a lower position. As such, the only limitation of claim 1 that would be met by the Donnelly *et al* reference is the initial language i.e. an infant warming apparatus comprising a base having an infant platform on which an infant is adapted to be positioned and an overhead housing. All of the remaining limitations of claim 1

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are absent from the Donnelly *et al* reference and therefore must be made up by the use of secondary references.

In the rejection of claim 1, the position is apparently taken that it would be obvious to take Connelly *et al* that has no examination light at all and simply add the light of Pickering.

That argument ignores the obvious failing that there is no suggestion in the principle reference of Donnelly *et al* to make that reconstruction and it is not simply a substitution of one examination light found in Donnelly *et al* for another. The "obvious" rebuilding of the Donnelley *et al* infant apparatus would require the adding of a totally new component, not suggested anywhere in Donnelly *et al* nor even hinted at by Donnelly *et al* as being possible or desirable.

Donnelly *et al* has a movable canopy that has plastic sides that fold up when the canopy is in its upper position and seems to leave a very narrow center structure for that canopy. Within that narrow center structure there is, of course, a radiant heater so it is not readily seen how one could add a procedure light at all with the Donnelly *et al* canopy.

Even, however, (and Applicant cannot see how) if one were somehow able to rebuild the Donnelly *et al* canopy by repositioning or re-engineering the radiant heater or by making some other radical change to add the Pickering light, there still is a limitation in the claim of the "control handle" that facilitates the movement and direction of the present procedure light that is a feature that is totally absent from either Donnelly *et al* or Pickering. It is submitted that the feature of the downwardly extending control handle is a valuable feature in the Applicant's procedure light due to its location in the upper housing of the infant apparatus, however, the presence of a control handle would not make any sense added to the light of Pickering since such a control handle would not be needed or usable and certainly not readily accessible to the user.

The same limitations that have been discussed herein with respect to claim 1 are also present in the other independent claims, that is, claims 12 and 16 and therefore the same arguments are equally applicable.

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As to the further references, it is submitted that neither Chang nor Mandleski are relevant to the present invention. Chang does not have omni-directional movement but merely a movement along one axis to change focus and Mandleski is simply an architectural light that has no relation to a light used in an infant care apparatus.

As such, it is submitted that none of the references is relevant to the present invention, take alone or in combination if such a combination were possible.

It is, therefore, submitted that the claims in the present application are in allowable form and an allowance of the present application is respectfully solicited.

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